



Control Number: 51023



Item Number: 949

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner



Greg Abbott
Governor

Thomas J. Gleeson
Executive Director

2021 DEC 15 PM 4:42

Public Utility Commission of Texas

TO: Peter M. Lake, Chairman
Will McAdams, Commissioner
Lori Cobos, Commissioner
Jimmy Glotfelty, Commissioner

All Parties of Record

FROM: Stephen Journeay, Commission Counsel

DATE: 15 December 2021

RE: December 16, 2021 Open Meeting – Item No. 9
Docket No. 51023; SOAH Docket No. 473-21-0247 – *Application of the City of San Antonio to Amend its Certificate of Convenience and Necessity for the Scenic Loop 138-kV Transmission Line in Bexar County*

A proposal for decision in the above-referenced docket is posted for consideration and action by the Commission. If the Commission approves the proposal for decision, I recommend the following changes.

Finding of fact 1 should be deleted as an improper finding of fact.

- ~~1. DELETED. The City of San Antonio, acting by and through the City Public Service Board (CPS Energy) is a municipally owned utility as defined in Public Utility Regulatory Act (Texas Utilities Code §§ 11.001-66.016 (PURA)¹ § 11.003(11) and 16 Texas Administrative Code (TAC) § 25.5(71), as well as a transmission service provider as defined in 16 TAC § 25.5(141) and a distribution service provider as defined in 16 TAC § 25.5(33).~~



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Finding of fact 2 should be modified as follows for completeness.

2. CPS Energy owns and operates facilities to generate, transmit, distribute, and sell electricity in the Electric Reliability Council of Texas (ERCOT) region.

Finding of fact 4 should be modified to add the phrase *a transmission line and associated facilities*. Throughout the order, the terms *Project* and *transmission facilities* should be deleted and alternative phrasing should be used, such as *transmission line* or *transmission line and associated facilities*, depending on the context.

4. On July 22, 2020, CPS Energy filed with the Commission an application to amend CCN number 30031 to build, own, and operate a transmission line and associated facilities: a new double-circuit 138-kilovolt (-kV) transmission line in Bexar County connecting a new substation to the electric grid (~~Project~~).

Finding of fact 11 should be expanded into multiple findings for completeness as shown below. Finding of fact 11B reflects a modified version of finding of fact 20, which should be deleted.

11. The transmission line Project will have two 138-kV circuits, with each circuit having two conductors per phase.

11A. ~~be constructed on double circuit 138-kV~~ The supporting structures will be steel monopole structures for the typical tangent, angle, and dead-end structures. The heights of typical structures proposed for the transmission line Project will generally be range from 70 to 130 feet tall above ground.

11B. ~~The routes for the transmission line are based on~~ CPS Energy proposed a typical right-of-way width for operational clearances of approximately 100 feet.

11C. CPS Energy plans to use 795 kilo circular mils ACSS/TW Drake conductors, with a continuous summer static current rating of 1848 amperes and a continuous static line capacity at operating and design voltage of 441 megavolt-amperes.

11D. The Scenic Loop substation is a new load-serving electric substation in northwestern Bexar County. The Scenic Loop substation is a three-unit site with one 138-35 kV, 100-megavolt-ampere transformer and one 4-feeder switchgear. The substation will be looped into the existing Ranchtown-to-Menger Creek 138-kV transmission line, requiring two 138-kV line terminals. The substation will include one 138-kV circuit switcher and a 2000-A main bus design. It will also be configured for the future installation of a 138-kV capacitor bank.



Findings of fact 18 and 19 should be deleted because they are duplicative of finding of fact 93.

18. ~~DELETED. In the original application, CPS Energy identified route Z as the route that best addresses the requirements of PURA and the Commission's substantive rules.~~

19. ~~DELETED. In the amended application, route Z1 functionally replaced route Z.~~

Findings of fact 53, 55, and 57 should be modified to accurately reflect the parties that filed direct testimony, cross-rebuttal testimony, and requests for a hearing.

Finding of fact 103 should be modified for accuracy.

103. For the focus routes, the number of habitable structures within 300 feet of the centerline ranges from 13 to 33, as follows: route R1 (13); route P (17); route W (29); route AA2 (30); routes Z1 and AA1 (31); ~~route Z1 (31);~~ route Z2 (32); and route DD (33).

Findings of fact 126 and 127 should be deleted as duplicative of finding of fact 102.

126. ~~DELETED. Route A has the highest number of habitable structures located within 300 feet of its centerline at 72.~~

127. ~~DELETED. Routes U1 and Q1 have the fewest habitable structures located within 300 feet of their centerlines at 12 each.~~

Finding of fact 162 should be expanded, and new finding of fact 162A should be added. to include language that is standard in the Commission's electric CCN orders.

162. It is appropriate that CPS Energy protect raptors and migratory birds by following the procedures outlined in the following publications: *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*, Edison Electric Institute and Avian Power Line Interaction Committee, Washington, D.C. 2012; *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*, Edison Electric Institute, Avian Power Line Interaction Committee, and the California Energy Commission, Washington, D.C. and Sacramento, CA 2006; and *Avian Protection Plan Guidelines*, Avian Power Line Interaction Committee and United States Fish and Wildlife Service, April 2005. It is appropriate for CPS Energy to take precautions to avoid disturbing occupied nests and take steps to minimize the burden of construction on migratory birds during the nesting season of the migratory bird species identified in the area of construction.

162A. It is appropriate for CPS Energy to exercise extreme care to avoid affecting non-targeted vegetation or animal life when using chemical herbicides to control vegetation within rights-of-way. The use of chemical herbicides to control vegetation within rights-of-way is required to comply with the rules and guidelines



established in the Federal Insecticide, Fungicide, and Rodenticide Act and with Texas Department of Agriculture regulations.

Finding of fact 170 should be modified to reflect the related changes made by the SOAH administrative law judge to page 71 of the proposal for decision.

170. POWER Engineers identified 36 previously recorded archaeological sites and 11 cemeteries in the study area. ~~Seventeen~~Nineteen archaeological sites are within 1,000 feet of the alternative routes, and ~~four~~five of these sites are crossed by routes.

Ordering paragraph 2 should be modified to clarify what the Commission is certifying in this proceeding.

2. The Commission amends CPS Energy's CCN number 30031 to include the construction and operation of the transmission line along route Z2, which will comprise the following segments: 54, 20, 36, 42a, 46, and 46b. The new transmission line will connect the Scenic Loop substation, a new load-serving electric substation in northwestern Bexar County, to be constructed at substation site 7 to the existing Ranchtown-to-Menger Creek 138-kV transmission line to the west. The Commission is certifying two circuits in this proceeding. ~~The new Scenic Loop Substation will be located at proposed Substation 7 site and the new transmission line shall be built using Segments 54-20-36-42a-46-46b.~~

Ordering paragraph 3 should be modified to reflect the Commission's standard ordering paragraph related to pipelines.

3. CPS Energy must consult with pipeline owners or operators in the vicinity of the approved route regarding the pipeline owners' or operators' assessment of the need to install measures to mitigate the effects of alternating-current interference on existing ~~natural-gas~~metallic pipelines paralleled by the electric transmission ~~line~~facilities approved by this Order.

The other ordering paragraphs should also be modified to reflect the standard language used in the Commission's electric CCN orders.

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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